

WHAT IS A FORMAL HEARING?

A formal hearing is a review of a DVR decision by an Impartial Hearing Officer. The hearing is closed to the public, and the Impartial Hearing Officer will record the hearing on audio tape. Both yourself, as the appellant, and the division will be given equal time to make your testimony under oath.

WHAT WILL HAPPEN AT A HEARING?

1. **OPENING STATEMENTS:** The Impartial Hearing Officer will ask both parties if they wish to make a short statement outlining their concerns and desired outcomes. This is not part of the testimony.
2. **CASE PRESENTATIONS:** The Impartial Hearing Officer will ask the parties to each make a presentation of evidence to support their position and the desired outcome of the hearing. Witnesses can be called, and the parties may ask questions.
3. **REBUTTALS:** The Impartial Hearing Officer will ask each party for comments regarding the evidence or testimony presented by the other party.
4. **CLOSING ARGUMENTS:** The Impartial Hearing Officer will ask each party to present a short summary of reasons why DVR's decision should or should not be changed.
5. **ENDING THE HEARING:** The Impartial Hearing Officer will inform everyone that a decision will be mailed to them within 30 days*.

IS THE DECISION FINAL?

The Impartial Hearing Officer's decision is final unless you or DVR decides to take the request for review to court. If you go to court, it is best to have an attorney help you.

* "days" means calendar days unless it says "working days".

HOW CAN I GET MORE INFORMATION?

To get more information, you may contact the VR Supervisor at your local DVR Office or you may contact:

DVR Hearing Coordinator
P.O. Box 7852
Madison, WI 53707-7852
800-442-3477 (Voice)
888-877-5939 (TTY)
608-266-1133 (FAX)

Client Assistance Program
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
800-362-1290 (Voice)
608-224-5069 (FAX)

DWD is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact 800-442-3477 or 888-877-5939 (TTY).

Appeal Rights

***For People Seeking or Receiving
Vocational Rehabilitation Services***



State of Wisconsin

**Department of Workforce Development
Division of Vocational Rehabilitation**

201 East Washington Avenue
P.O. Box 7852
Madison, WI 53707-7852
dwddvr@dwd.state.wi.us
<http://dwd.wisconsin.gov/dvr>

800-442-3477
(TTY) 888-877-5939
(FAX) 608-266-1133

QUICK FACTS ABOUT YOUR APPEAL RIGHTS

If you are unhappy with the services you are seeking or receiving from the Division of Vocational Rehabilitation (DVR):

You can request a review. Be sure to talk to your DVR counselor or a DVR supervisor as soon as a problem arises. If you wish to request a review, you may talk with them about how to request a review.

There are three options on how to handle the request for review:

1. **Informally** -- with a DVR supervisor.
2. **Mediation** -- with a neutral third party who will help you try to reach a compromise or agreement with DVR.
3. **Formal Hearing** -- during which an Impartial Hearing Officer will hear the facts of the case and make a decision.

The Client Assistance Program (CAP) can assist you at any stage of the process.

It is up to you how you want to handle the request for review. You can do all three steps, two of the steps, or only one. Whatever you choose, the formal hearing is the final step, unless you wish to take your request for review to a court.

DVR will pay for the costs related to mediation and the formal hearing.

If you do mediation, the mediator will help you try to reach an agreement with DVR. If you reach an agreement, the mediator will put the agreement in writing.

If you go to a formal hearing, the Impartial Hearing Officer will make a written decision about your case within 30 days.

If you are not happy with the Impartial Hearing Officer's decision, you can take your appeal to court.

You can present any information that helps your case during any stage of the request for review process.

You can have anyone you want to represent you during the informal review, mediation, or the formal hearing. However, if you go to court, it would be best to have an attorney.

HOW TO REQUEST A REVIEW

A written request for a review, signed by you, must say:

1. What decision you want reviewed (the issue).
2. What decision you want (the desired outcome).
3. The time limit for filing a hearing request shall be 12 months after the notice of a decision or action was made by DVR. Failure to file within the 12 month limit shall be cause for the hearing to be dismissed.

If you want assistance, call a DVR Office, CAP, or the DVR Hearing Coordinator.

Send the request for review to:

DVR Hearing Coordinator
P.O. Box 7852
Madison, WI 53707-7852

WHO CAN HELP?

The Client Assistance Program (CAP) is not a part of DVR and can help you write your request for a review, if they are representing you, and explain how the review process works. CAP can also explain DVR policies and procedures and your rights and responsibilities as a consumer. You can request a brochure explaining CAP services in more detail.

WHAT IS THE TIME LIMIT FOR A HEARING?

A hearing is held within 60 days after the date the DVR Hearing Coordinator receives your completed request for review.

WHAT WILL HAPPEN IF I CHOOSE MEDIATION?

The DVR Hearing Coordinator will offer you and DVR a list of trained mediators. You and DVR will agree on who will act as mediator. You will also be assigned an Impartial Hearing Officer in case a mediator is not successful in achieving an agreement between you and DVR. The mediator will discuss your situation with you and DVR to see if an agreement can be reached. The choice of mediation will not delay your right to a hearing in the 60 days unless you and DVR agree to a delay.

WHO IS A MEDIATOR?

A mediator is someone who is trained in effective mediation techniques and knowledgeable in laws (including regulations) relating to the provision of DVR services.

WHAT WILL HAPPEN AFTER I CHOOSE TO GO TO A HEARING?

The DVR Hearing Coordinator will send you a letter with information on two Impartial Hearing Officers. The letter will ask you to call or write with your choice within 7 days. You will also receive more information on what happens at a hearing. The selected Impartial Hearing Officer will call or write you.

WHO IS AN IMPARTIAL HEARING OFFICER?

An Impartial Hearing Officer (IHO) is a person who knows a lot about DVR and the DVR process. There is a contract with IHOs, and they do not work for DVR. This is to make sure they will make a fair decision.

DO I NEED A REPRESENTATIVE?

Choosing someone to represent you during the hearing or mediation process is up to you. Many times, people choose CAP, but it can be any responsible adult/advocate. You must tell who your representative is in writing to the Impartial Hearing Officer at least 5 days before your hearing. All information related to the hearing will be mailed to your representative.

WHAT IS A PREHEARING INTERVIEW?

The Impartial Hearing Officer will ask you and other people involved to participate in a prehearing interview before the hearing (a face-to-face meeting or a telephone conference call). You will be asked for a statement of the issue(s) to be heard at the hearing and any potential witnesses, exhibits, or motions. A mutual agreement may be reached. However, a prehearing interview will not delay your hearing, and you are not required to participate.